

REMARKS

Claims 1-42 are all the claims pending in the application.

REQUEST FOR WITHDRAWAL OF FINALITY OF OFFICE ACTION

Applicant believes that the Examiner improperly made the June 16, 2005 Office Action final because the March 28, 2005 Response did not amend any claims and the Examiner has provided new grounds for the rejections. Contrary to the Examiner's statement in the Office Action, no claim amendment necessitated the new grounds of rejection. Therefore, Applicant requests that the finality of the June 16, 2005 Office Action be withdrawn.

STATEMENT OF SUBSTANCE OF INTERVIEW

Applicant's attorney thanks the Examiner for participating in a telephonic interview on April 6, 2005. During the interview, Applicant's attorney discussed the asserted prior art and distinctions between the prior art and the claims. In particular, Applicant's attorney stated that a novel feature of the claims was detecting a plurality of mobile stations. No agreement was reached.

PRIOR ART REJECTIONS

The Examiner has rejected all claims (1-42) as being unpatentable over Kang et al. (U.S. Patent No. 6,038,220) in view of Okamoto et al. (U.S. Patent No. 5,697,064). Applicant traverses these rejections because the cited references fail to disclose or suggest all of the claim limitations.

The Examiner alleges that Kang et al. discloses all of the claim limitations except for the "communication state" of radio communications. In particular, the Examiner alleges that item

224 (the portion of determining and controlling base station transmission power) is the claimed communication monitor circuit. However, Kang et al. has same deficiencies that Beamish et al. (the previous prior art used to reject the claims) had. For example, Kang et al. is concerned with the control of power to one mobile station, rather than the claimed plurality of base stations. We note that col. 7 lines 42-43 states: "Also, the mobile station 210 may be comprised of the plurality of mobile stations." However, if there was a plurality of mobile stations, there would also be a plurality of items 221-226 in the base station. Essentially, for each mobile station, there would be a corresponding set of items 221-226. Thus, even if item 224 did correspond to the claimed communication monitor circuit, one item 224 would not communicate with a plurality of mobile stations.

Also, the claimed invention is related to control of the reverse-link channel (mobile to base power), whereas Kang et al. is concerned with the control of the forward traffic channel (base to mobile power). Therefore, Kang et al. does not disclose the limitations of claims 6-21 and 27-42 for at least this additional reason.

Regarding Okamoto et al., the Examiner cites it for disclosing the monitoring of the communication state of a plurality of mobile stations. However, this reference adds nothing that is not already disclosed in the background section of the specification. There is nothing in the Okamoto et al. that would suggest to one skilled in the art how to modify the apparatus in Kang et al. to arrive at the claimed invention.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

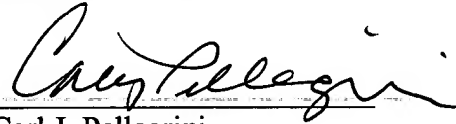
RESPONSE UNDER 37 C.F.R. § 1.116
USSN: 09/924,723

Q65824

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Carl J. Pellegrini
Registration No. 40,766

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: September 15, 2005